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PART 911—AVAILABILITY OF UNPUBLISHED INFORMATION

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AUTHORITY: 5 U.S.C. 301; 12 U.S.C. 1422b(a)(1).

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§911.1 Definitions.

For purposes of this part:

Legal proceeding means any administrative, civil, or criminal proceeding, including a grand jury or discovery proceeding, in which neither the Finance Board nor the United States is a party.

Supervised entity means a Bank, the Office of Finance, and the Financing Corporation.

Unpublished information means information and documents created or obtained by the Finance Board in connection with the performance of official duties, whether the information or documents are in the possession of the Finance Board, a current or former Finance Board employee or agent, a supervised entity, a Bank member, government agency, or some other person or entity; and information and documents created or obtained by, or in the memory of, a current or former Finance Board employee or agent, that was acquired in the person's official capacity or in the course of performing official duties. It does not include information or documents the Finance Board must disclose under the Freedom of Information Act (5 U.S.C. 552), Privacy Act (5 U.S.C. 552a), or the Finance

Board's implementing regulations (12 CFR parts 910 and 913, respectively). It also does not include information or documents that were previously published or disclosed or are customarily furnished to the public in the course of the performance of official duties such as the annual report the Finance Board submits to Congress pursuant to section 2B(d) of the Act (12 U.S.C. 1422b(d)), press releases, Finance Board forms, and materials published in the FEDERAL REGISTER.

[64 FR 44106, Aug. 13, 1999, as amended at 65 FR 8258, Feb. 18, 2000]

§911.2 Purpose and scope.

(a) *Purpose*. The purposes of this part are to:

(1) Maintain the confidentiality and control the dissemination of unpublished information;

(2) Conserve the time of employees for official duties and ensure that Finance Board resources are used in the most efficient manner;

(3) Maintain the Finance Board's impartiality among private litigants; and

(4) Establish an orderly mechanism for the Finance Board to process expeditiously and respond appropriately to requests for unpublished information.

(b) *Scope*. (1) This part applies to a request for and use and disclosure of unpublished information, including a request for unpublished information by document or testimony arising out of a legal proceeding in which neither the Finance Board nor the United States is a party. It does not apply to a request for unpublished information in a legal proceeding in which the Finance Board or the United States is a party or a request for information or records the Finance Board must disclose under the Freedom of Information Act, Privacy Act, or the Finance Board's implementing regulations.

(2) This part does not, and may not be relied upon to create any substantive or procedural right or benefit enforceable against the Finance Board.

§911.3 Prohibition on unauthorized use and disclosure of unpublished information.

(a) *In general*. Possession or control by any person, supervised entity, Bank member, government agency, or other